

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LASHEENA SIPP-LIPSCOMB AND ANDRES GARDIN, SR. Individually and in their own right and as Parents and Natural Guardians of ANDRES GARDIN, JR., a Minor

Plaintiffs

vs.

EINSTEIN PHYSICIANS PENNYPACK
PEDIATRICS, et al

Defendants

CIVIL NO. 2:20-cv-01926

(JUDGE BAYLSON)

(ELECTRONICALLY FILED)

**PROPOSED POINTS FOR CHARGE OF DEFENDANTS,
EINSTEIN PHYSICIANS PENNYPACK PEDIATRICS AND
ALBERT EINSTEIN HEALTHCARE NETWORK**

Defendants, Einstein Physicians Pennypack Pediatrics and Albert Einstein Healthcare Network hereby submit the following proposed Points for Charge from the Pennsylvania Suggested Standard Civil Jury Instructions (5th Ed.):

Pa. SSJI (Civ) 1.10 Welcome, Duty to Serve as Jurors, and Explanation of the Nature of the Case

Pa. SSJI (Civ) 1.30	Introduction of the Parties, Lawyer, and Potential Witnesses
----------------------------	---

Pa. SSJI (Civ) 1.140 Bias

Pa. SSJI (Civ) 1.150 Role of Judge and Jury

Pa. SSJI (Civ) 1.160 Bench Conferences and Recesses

Pa. SSJI (Civ) 1.170 Outline of Trial

Pa. SSJI (Civ) 1.180 Rules Governing Juror Conduct During Trial

Pa. SSJI (Civ) 1.190	Evidence – Definition
----------------------	-----------------------

Pa. SSJI (Civ) 1.200 Ruling on Evidentiary Objections

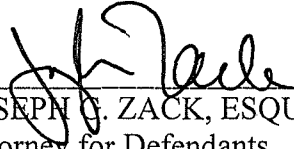
Pa. SSJI (Civ) 1.260 Note-Taking by Jurors (if permitted)

Pa. SSJI (Civ) 2.10	Deposition Testimony
Pa. SSJI (Civ) 3.00	Deposition Testimony and Videotaped Testimony
Pa. SSJI (Civ) 4.00	Direct and Circumstantial Evidence
Pa. SSJI (Civ) 4.20	Believability of Witnesses Generally
Pa. SSJI (Civ) 4.30	Conflicting Testimony
Pa. SSJI (Civ) 4.50	Impeachment or Corroboration of Witnesses by Prior Inconsistent or Consistent Statement
Pa. SSJI (Civ) 4.80	Expert Testimony
Pa. SSJI (Civ) 4.90	Expert Testimony – Hypothetical Question
Pa. SSJI (Civ) 4.100	Weighing Conflicting Expert Testimony
Pa. SSJI (Civ) 4.120	Expert Opinion – Basis for Opinion Generally
Pa. SSJI (Civ) 5.00	Burden of Proof and Preponderance of Evidence
Pa. SSJI (Civ) 5.20	Number of Witnesses and Number of Exhibits
Pa. SSJI (Civ) 7.80	Apportionment of Damages (Two or More Defendants)
Pa. SSJI (Civ) 7.100	Mitigation of Damages
Pa. SSJI (Civ) 14.10	Medical Malpractice – Standard of Care
Pa. SSJI (Civ) 14.20(A)	Medical Malpractice – Factual Cause (Causation)
Pa. SSJI (Civ) 14.30	Medical Malpractice – Burden of Proof
Pa. SSJI (Civ) 14.130	Comparative Negligence in Medical Malpractice Cases
Pa. SSJI (Civ) 14.150	Medical Malpractice – Damages
Pa. SSJI (Civ) 14.190	General Instructions to Jury on Concluding the Verdict

Defendants reserve the right to submit supplemental Points for Charge, depending upon the evidence presented at trial.

POST & POST LLC

BY:


JOSEPH G. ZACK, ESQUIRE
Attorney for Defendants,
Einstein Physicians Pennypack
Pediatrics and Albert Einstein
Healthcare Network
PA I.D. # 53053
200 Berwyn Park, Ste. 102
920 Cassatt Road
Berwyn, PA 19312
Phone 610-240-9180
Fax 610-240-9185
jzack@postandpost.com

Date: January 16, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LASHEENA SIPP-LIPSCOMB AND	:	CIVIL NO. 2:20-cv-01926
ANDRES GARDIN, SR. Individually and	:	
in their own right and as Parents and	:	
Natural Guardians of ANDRES GARDIN,	:	
JR., a Minor	:	
Plaintiffs	:	(JUDGE BAYLSON)
vs.	:	
	:	
EINSTEIN PHYSICIANS PENNYPACK	:	(ELECTRONICALLY FILED)
PEDIATRICS, et al	:	
	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, Joseph G. Zack, Esquire, hereby certify that on this 16th day of January, 2023, I caused a true and correct copy of Defendants' Proposed Points for Charge to be electronically filed with the Court and available to the following:

David E. Jokelson, Esquire
Derek E. Jokelson, Esquire
Jokelson Law Group, P.C.
230 S. Broad Street, 10th floor
Philadelphia, PA 19102

John Shusted, Esquire
German, Gallagher & Murtagh
The Bellevue, Suite 500
200 S. Broad Street
Philadelphia, PA 19102


Gary M. Samms, Esquire
Obermayer Rebmann
Maxwell & Hippel LLP
Centre Square West
1500 Market Street, Suite 3400
Philadelphia, PA 19102-2101

George L. Young, Esquire
Kiernan Trebach
Ten Penn Center Plaza, Ste. 770
1801 Market Street
Philadelphia, PA 19102

E. Chandler Hosmer, III, Esquire
Jacqueline M. Reynolds, Esquire
Marshall, Dennehey, Warner, Coleman & Goggin
620 Freedom Business Center, Suite 300
King of Prussia, PA 19046

POST & POST LLC

BY:


JOSEPH G. ZACK, ESQUIRE
Attorney for Defendants,
Einstein Physicians Pennypack
Pediatrics and Albert Einstein
Healthcare Network
PA I.D. # 53053
200 Berwyn Park, Ste. 102
920 Cassatt Road
Berwyn, PA 19312
Phone 610-240-9180
Fax 610-240-9185